

REMARKS

Claims 19-28 have been cancelled. Claims 1-18 and 29-38 have been amended to clarify the subject matter regarded as the invention. Claims 1-18 and 29-38 are pending.

Claims 1-18 and 29-36 have been amended in a manner believed to overcome the objections to the claims.

The specification has been amended to add a section entitled Brief Summary of the Invention, which is believed to overcome the objection to the specification.

Claim 9 has been amended in a manner believed to overcome the rejection under 35 USC 112. It is believed the cancellation of claims 19-28 renders moot the rejection of those claims under 35 USC 112.

Independent claims 1, 37, and 38 have been amended in a manner believed to overcome the rejection under 35 USC 101. Specifically, the claims have been amended to recite the concrete and tangible result of taking a predetermined responsive action.

The Examiner has rejected claims 1-6, 18, 22-24, and 37-38 under 35 USC 102(e) based on Schultz and the remaining claims under 35 USC 103(a) based on Schultz as combined with Tajalli.

The rejection is respectfully traversed. Independent claims 1, 37, and 38 have been amended to recite updating to a second risk level, based on dynamic analysis of the executable as it executes, a first risk level assigned initially based on a static analysis. Support for the amendments is found, without limitation, in Figure 1 and accompanying text on page 5, line 20 – page 7, line 10. Schultz teaches a purely static analysis of email attachments. See, e.g., Schultz at [0044], in which Schultz states that the “features” that are analyzed to determine whether an attachment is or may pose a threat are “extracted statically”, without running any code. Tajalli describes a behavior based security system but does not describe updating based on dynamic analysis a risk level determined initially based on static analysis. Tajalli [0053]-[0066]. As such, claims 1, 37, and 38 are believed to be allowable.

Claims 2-18 and 29-36 depend from claim 1 and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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